

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE K. ALDEN,

Plaintiff

v.

JOSEPH V. SMITH, ET AL.,

Defendants

:
:
:
:
:
:
:
:
:
:
:

CIVIL NO. 3:CV-05-1735

(Judge Kosik)

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Terrance K. Alden, an inmate currently confined at the United States Penitentiary at Lewisburg (USP-Lewisburg), Pennsylvania, filed this civil rights action on August 25, 2005. In the complaint, Alden appears to raise claims under Bivens¹ and the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2671, et seq., against USP-Lewisburg employees Warden Joseph V. Smith and Counselor Cathy Ey. Service of the complaint was directed upon the named Defendants on August 29, 2005. A response to the complaint was due on November 14, 2005.

On October 16, 2005 and October 24, 2005, Plaintiff filed motions to amend the

¹ See Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics, 403 U.S. 388, 397 (1971).

complaint in this action. (Docs. 19, 25.) On November 14, 2005, Defendants filed a response to Plaintiff's motions acknowledging that pursuant to Federal Rule of Civil Procedure 15(a), Plaintiff has the right to file an amended complaint.² Defendants also filed a motion requesting an enlargement of time of sixty (60) days from the date Plaintiff files his amended complaint within which to file their response thereto. (Doc. 29.)

ACCORDINGLY, THIS 15th DAY OF NOVEMBER, 2005, IT IS HEREBY ORDERED

AS FOLLOWS:

1. Plaintiff's motions to file an amended complaint in this action (Docs. 19, 25) are granted. An amended complaint shall be submitted to the court within fifteen (15) days from the date of this Order. The amended complaint shall be complete in all respects and filed in accordance with Fed. R. Civ. P. 8(a). The Clerk of Court is directed to forward to Plaintiff two (2) blank § 1331 civil rights forms for his use in preparing the amended complaint.
2. Defendants' "Motion for Enlargement of Time" (Doc. 29) is granted to the extent that Defendants will be allowed sixty (60) days from the date the amended complaint is served upon any newly added Defendants within which to file a response to the amended complaint.

s/Edwin M. Kosik
United States District Judge

² Pursuant to Fed. R. Civ. P. 15(a), a party may amend their pleading once as a matter of course at any time before a responsive pleading is served. In the instant case, Defendants have not yet responded to the complaint due to Plaintiff's outstanding motions to amend the complaint.